

HOUSE BILL 481 REPRESENTATIVE BELCOURT

Introduction:

This bill clarifies that easement applications from a "regional water authority" across "NON TRUST" lands may be applied for and secured under MCA 77-2-351 SALE TO OR EXCHANGE OF PROPERTY WITH PUBLIC ENTITY. For non trust lands a sale or exchange to a public entity may result in a transfer of the land or rights for partial or no compensation. Additional process and review is required for these types of transactions per 77-2-351. Prior to the review and consideration by the land board for the disposition a property or rights to a public entity statutes requires the following:

- The appropriate legislative committee must be consulted. Any comments or recommendation from that committee is noted to the land board. The committee consulted during a legislative session is determined at that time and the interim committee with agency oversight is consulted when the legislature is not in session.
- 60 day public notice of the proposed transfer

This bill amends two statues to accomplish it's goal to transfer an easement to a public entity at partial or no compensation:

This bill amends MCA 77-2-103 to direct the department to process easement applications of regional water authorities under 77-2-351.

MCA 77-2-351 only pertains to state lands that are not held in trust and subject to the Enabling Act. This bill amends 77-2-351 by adding "regional water authority" to the definition of a public entity that is eligible to acquire land or interests in land at partial or no compensation for state lands that are not "TRUST LANDS".

This process and statute has facilitated disposing of property that was no longer used by the agency that required expenses related to maintenance etc. that benefited the local community. This statute has been used by public entities and state agencies such as the Department of Public Health and Human Services in the transfer of state property to Jefferson County adjacent to Boulder. Department of Corrections transferred the old Pine Hills campus to Custer County. Custer County plans on using this property for county services. Department of Commerce transferred the Malta dinosaur museum to the City of Malta.